

~~(2)(A) This subdivision (2) shall apply when a person is committed to the care and custody of the Commissioner of Mental Health under this section after having been found:~~

~~(i) not guilty by reason of insanity; or~~

~~(ii) incompetent to stand trial, provided that the person's criminal case has not been dismissed.~~

~~for a listed crime as defined in subdivision 5301(7) of this title other than:~~

~~(i) lewd or lascivious conduct as defined in section 2601 of this title;~~

~~(ii) recklessly endangering another person as defined in section 1025 of this title;~~

~~(iii) operating a vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);~~

~~(iv) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);~~

~~(v) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or~~

~~(vi) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults.~~

~~(A)(B)(i) At least 10 days prior to discharging the person from a secure mental health treatment facility or from the care and custody of the Commissioner of Mental Health~~ When a person has been committed under this section, the Commissioner shall provide notice to the State's Attorney of the county where the prosecution originated or to the Office of the Attorney General if that office prosecuted the case:

~~(i)(I) at least 10 days prior to discharging the person from:~~

~~(i)(aa) the care and custody of the Commissioner; or~~

~~(H)(bb)~~ commitment in a hospital or a secure residential recovery facility to the community on an order of non-hospitalization pursuant to 18 V.S.A. § 7618;

~~(ii)(II)~~ at least 10 days prior to the expiration of a commitment order issued under this section if the Commissioner does not seek continued treatment; or

~~(iii)(III)~~ any time that the person absconds from the custody of the Commissioner.

~~(B)(ii)~~ When the State's Attorney or Attorney General receives notice under subdivision ~~(A)(i)~~ of this subdivision ~~(2)(B)~~, the office shall provide notice of the action to any victim of the offense who has not opted out of receiving notice.

~~(C)(iii)~~ As used in this subdivision ~~(2)(B)~~, "victim" has the same meaning as in section 5301 of this title.

~~(3)(A)(C)(i)~~ When a person has been committed under this section and is subject to a non-hospitalization order as a result of that commitment under 18 V.S.A. § 7618, the Commissioner shall provide notice to the committing court and to the State's Attorney of the county where the prosecution originated, or to the Office of the Attorney General if that office prosecuted the case, if the Commissioner becomes aware that:

~~(i)(I)~~ the person is not complying with the order; or

~~(ii)(II)~~ the alternative treatment has not been adequate to meet the person's treatment needs.

~~(B)(ii)~~ A court that receives notice under subdivision ~~(A)(i)~~ of this subdivision ~~(3)(C)~~ may proceed under 18 V.S.A. § 7618(b).